

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS BRATISLAVA 000524

SIPDIS

SENSITIVE

DEPT FOR EUR/RPM HEATHER TROUTMAN  
DEPT PLEASE PASS TO CSCE COMMISSION - ERIKA SCHLAGER

E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [SOCI](#) [LO](#) [OSCE](#)

SUBJECT: PARLIAMENT ADOPTS ANTI-DISCRIMINATION LAW

Sensitive but Unclassified - protect accordingly

11. (SBU) Summary. On May 20, the Slovak Parliament adopted the Law on Equal Treatment. The Director of the GOS Human Rights Section of the Government Office, Jana Kviecinska, told POL Specialist that this is one of the most important laws adopted in the post-communist parliament and brings Slovakia into full compliance with EU Directives pertaining to Race and Employment. The law defines discrimination, establishes the legal basis for positive discrimination or "affirmative action," and amends articles in the labor code and those pertaining to social sectors, such as education, health, and state service. The Slovak National Human Rights Center (SNHRC) can also now represent citizens in discrimination complaints and monitor the implementation of the law. Justice Minister Daniel Lipsic, a KDH member, announced he will challenge the law in Constitutional Court because of positive discrimination provisions. End Summary.

Anti-Discrimination Law Passes

12. (U) Slovakia's new anti-discrimination law prohibits discrimination "for any reason." The law passed with 103 out of 133 votes, with support from both the coalition and the opposition. After the president signs the law, it will become effective July 1, 2004. The law defines discrimination, sexual harassment, and sanctions based on complaints. In addition, it describes how to promote equal treatment in the labor market and social sectors through positive discrimination or "affirmative action."

13. (SBU) The Roma plenipotentiary Klara Orgovanova welcomed the new legislation that may help Roma resolve lingering inequalities in housing, employment, and education. According to Orgovanova, Slovak Roma do not enjoy the same rights as the non-Roma population and now will have more legal recourse. She mentioned the law will help eliminate certain discriminatory behaviors in the future, such as refusing admittance to certain schools or public areas. However, she asserted that this law is not only to protect the rights of the minorities, but all of society.

Compromise Reached with KDH

14. (U) Kviecinska's office drafted this legislation in accordance with the Action Plan to Prevent All Forms of Discrimination, Racism, Xenophobia, Anti-Semitism and other forms of Intolerance for the Period 2000-2001. The Christian Democratic Party (KDH) stalled the legislation due to objections about references to sexual orientation by removing discussion about the anti-discrimination legislation from the Parliamentary agenda in 2002. The Hungarian Coalition Party (SMK) retained the passage of the law as a part of their platform and continued to submit drafts to the government. Justice Minister Lipsic, a KDH member and Chairman of the Legislative Council, also disagreed with the necessity of one single anti-discrimination norm and proposed to amend 14 other relevant laws. A compromise was finally reached that combined the Human Rights Section's draft with the amendment of several other relevant codes according to the Lipsic proposal.

16. (U) The resulting legislation maintained some reference to sexual orientation, but it was not repeated in all subsequent amendments. Legal experts stated that while sexual orientation is addressed in relation to labor, omitting health and education, Slovakia is now obliged to follow EU standards in other areas and it can be perceived as a victory. HZDS MP Ludmila Muskova introduced a vague amendment that prohibits in schools "the influence of sexual orientation in contradiction to traditional European values." In a later interview, she stated that the

language was not directed against homosexuality, but pedophilia and sexually deviant crimes. Others claimed that this could also protect against teaching beliefs and ideas counter to the EU Charter on Human Rights in schools.

#### Positive Discrimination Questioned

17. (U) Lipsic announced that he will challenge the law in Constitutional Court due to references to positive discrimination. He claimed these provisions contradict the constitution because it promotes stereotypes about minorities. The Section for Human Rights stated that positive discrimination was a necessary, albeit temporary measure, for certain populations afflicted by discrimination to protect their rights. Roma leaders appealed to Lipsic not to question the merits of the positive discrimination, which could provide unparalleled opportunities for Roma.

18. (U) Balasz Jarabik, a legal expert for the Slovak-Hungarian think-tank Kalligram, was surprised Parliament passed this section of the law. He stated that while it is a very important concept for Slovakia it lacks simple implementation measures and could be abused. The Director of Milan Simecka, a human rights organization, welcomed discussion about positive discrimination at the constitutional level. He stated that positive discrimination is an internationally recognized theme found in many United Nations documents and it should be determined what form is acceptable in the Slovak context.

#### More Access to Legal Representation

19. (SBU) The new Act on Equal Treatment also extends the responsibilities of the Slovak National Human Rights Center (SNHRC) to represent citizens in administrative proceedings if their rights were violated. The Center will also monitor and assess the application of this law in Slovakia. Jana Kovacova, from the Education and Research Section at SNHRC, stated that their center must quickly adjust to the new character of their work, but feared without new budget appropriations they will not be prepared by July 1. Parliament substantially decreased their budget this year in reaction to prior management problems.

#### Comment

10. (U) Many activists and politicians who devoted several years to lobbying for the anti-discrimination legislation celebrated its passage last week. International organizations and American consultants also supported these efforts and helped to draft the initial legislation. After the long political battle fought, activists commented that the anti-discrimination is not a perfect piece of legislation, but it is an important legal development for Slovakia to protect human rights. The government must now follow-up with efforts to increase public awareness about anti-discrimination. It is too soon to tell what the practical effects of the legislation will be. As we discuss the details with government and legal experts, as well as human rights and minority activists, we will continue to report on the impact of the law and changing conditions for minorities in Slovakia.

NNNN